

PLANNING STATEMENT s.73

SUPPORTING PLANNING STATEMENT – SECTION 73 APPLICATION

Site Address:

Summer Lodge, Copyhold Lane, Cuckfield, Haywards Heath, RH17 5EB

Parent Permission:

DM/25/1882 (approved 14 November 2025)

Erection of a self-build replacement, detached dwelling following demolition of the existing dwelling

Proposal:

Variation of Condition 2 (Approved Plans) to incorporate revised landscape proposals, including an open swimming pool and pool/plant house, a greenhouse and tree planting, together with the submission of details to address Conditions 5 (Natural England demolition licence), 6 (Biodiversity Enhancement Strategy) and 7 (Foul and surface water drainage).

1. Introduction

1.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to planning permission DM/25/1882. The parent permission granted consent for the erection of a self-build replacement, detached dwelling following demolition of the existing dwelling at Summer Lodge, Copyhold Lane.

1.2 The Section 73 application follows discussions with the case officer as a practical and proportionate mechanism to incorporate detailed hard and soft landscape scheme and proposals that include an open swimming pool and its associated small pool and plant house, a greenhouse, steps around the house, paths and tree planting. The application also provides supporting details to address Conditions 5, 6 and 7 of the original permission, which would otherwise have been required through separate discharge of condition submissions.

2. Description of the Proposed Amendments

2.1 The approved Peter Huf Architecture Proposed Site Plan (drawing b120 rev D) is proposed to be replaced with the Eclipse Landscapes *Landscape and General Arrangement Plan* (drawing L102 rev P03). The revised plan retains the approved siting and footprint of the dwelling and introduces coordinated hard and soft landscaping across the site with the open pool and 2x outbuildings.

2.2 The amended landscape proposals include an open swimming pool located within the rear garden, a small pool and plant house positioned adjacent to the pool, a greenhouse located to the side of the dwelling, and a garden path connecting the rear patio to the pool area. These elements are all domestic and ancillary in nature and are contained within the established residential curtilage.

2.3 It is noted that certain elements, such as the pool building, could potentially be constructed under permitted development rights following completion of the dwelling. However, their inclusion within this Section 73 application provides clarity and allows the Local Planning Authority to consider the scheme in a comprehensive and coordinated manner.

3. Amendments – Condition 2 and Additional Details in Respect of Conditions 5, 6 and 7

3.1 This Section 73 application seeks to vary Condition 2 (Approved Plans) of planning permission DM/25/1882 and to provide supporting details to address Conditions 5, 6 and 7, as set out below.

3.2 Condition 2 – Approved Plans

The approved Peter Huf Architecture Site Plan (drawing b120 rev D) is to be substituted with the Eclipse Landscapes *Landscape and General Arrangement Plan* (drawing L102 rev P03). The revised plan retains the approved siting of the dwelling and incorporates the proposed hard and soft landscaping, including the open swimming pool, pool and plant house, greenhouse and associated garden paths.

3.3 Condition 2 – Tree Protection Plan

The approved Alastair Durkin Tree Protection Plan (TPP/1/2025) is to be substituted with the revised Tree Protection Plan drawing 2025/001/TPP rev A. The updated plan extends tree protection measures further into the garden area and reflects the positioning of the proposed pool and pool outbuilding, ensuring the continued protection of retained trees throughout the construction process.

3.4 Condition 5 – Natural England Demolition Licence

The completed Natural England Licence Return Form (reference WML-CL21) is submitted as part of this application. This confirms compliance with the requirements of the demolition licence issued by Natural England.

3.5 Condition 6 – Biodiversity Enhancement Strategy

A Biodiversity Enhancement Strategy prepared by JW Biodiversity Management, dated 12 January 2026, is submitted in support of the application. The report sets out a package of habitat enhancement measures, including tree and hedgerow planting, bat and bird boxes, and other ecological enhancements as detailed in the report referring to landscape plan L100 rev P03. The submitted strategy fully addresses the requirements of Condition 6.

3.6 Condition 7 – Foul and Surface Water Drainage

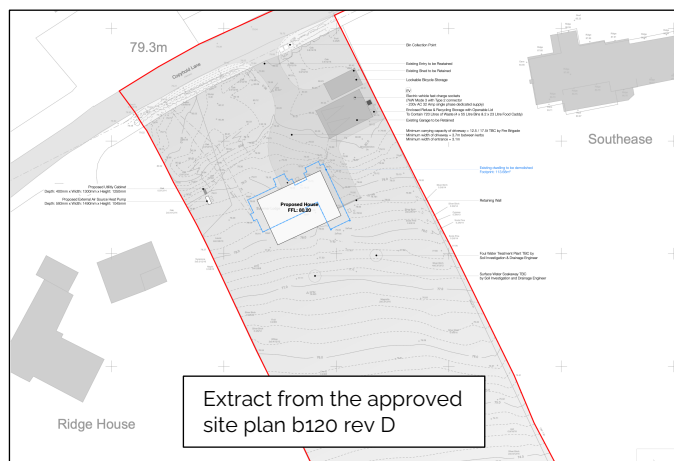
The foul and surface water drainage strategy is provided on the HODEL Consulting Engineers *Engineering Layout Plan* (drawing 25187-HOD-XX-ZZ-DR-C-5100 revision P05). The plan demonstrates that appropriate drainage measures are in place to manage foul and surface water arising from the development, including allowances for the proposed landscaping and pool infrastructure, thereby satisfying the requirements of Condition 7.

4. Planning Justification – Amendments to Condition 2

4.1 Scale and Design

4.1.1 In addition to the approved hard and soft landscaping associated with the main house, including the side access steps and the pathway to the rear, the proposed open swimming pool, the pool and plant house outbuilding located to the rear, and the greenhouse positioned to the side of the dwelling are all deliberately modest in scale.

4.1.2 Their siting and form ensure that they remain ancillary and visually subordinate to the main dwelling. As such, the proposals will not result in any additional overlooking, overshadowing or loss of privacy for neighbouring occupiers.



4.2 Policy Compliance

4.2.1 The proposed variations fully accord with the policies of the Mid Sussex District Plan and the National Planning Policy Framework.

4.2.2 The amended landscape proposals comply with policies relating to high-quality design and placemaking, the protection of residential amenity and landscape character. The introduction of an open swimming pool, a small pool and plant house, a greenhouse and associated hard and soft landscaping does not alter the approved built footprint of the dwelling, nor does it materially affect the spatial arrangement of development within the site.

4.2.3 The proposals respect the established pattern of development and garden layouts in the locality and remain visually subordinate to the approved dwelling. The scale, height and positioning of the proposed structures ensure that there is no harm to neighbouring amenity in terms of overlooking, overshadowing or loss of privacy.

4.2.4 Furthermore, the proposals support sustainable development objectives through enhanced landscaping and tree planting, contributing to biodiversity improvements and positively reinforcing the character and appearance of the site.

4.2.5 Accordingly, the development as amended remains fully compliant with the development plan when read as a whole and raises no new policy conflicts.

5. Conclusion

5.1 This Section 73 application seeks a variation to Condition 2 of planning permission DM/25/1882 to allow the substitution of the approved site plan with a revised Landscape and General Arrangement Plans, together with the submission of supporting details to address Conditions 5, 6 and 7.

5.2 The proposed amendments do not alter the principle of development, the approved dwelling's siting, scale or appearance, nor the fundamental layout of the site. Instead, they provide a coordinated and detailed landscape scheme that reflects the final design evolution of the garden and associated ancillary features.

5.3 All proposed elements are contained within the established residential curtilage, remain modest in scale and domestic in character, and do not give rise to any material harm to neighbouring amenity.

5.4 The variation of Condition 2 therefore represents a logical and proportionate refinement of the approved scheme. The amended plans preserve the intent and objectives of the original permission and do not give rise to any new or unacceptable planning impacts.